



Attorney's Docket No. 010331

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Broy et al.

Application No.: 09/955,791

Filed: September 19, 2001

Group No. 1753

Examiner: T. H. Tung

For: ELECTROCHEMICAL CELL BUBBLE DETECTION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is

☐ a small entity. A verified statement:

☐ is attached.

☐ was already filed.

☒ other than a small entity.

**RECEIVED**

**JUN 09 2003**

**TC 1700**

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
(type or print name of person certifying)

## EXTENSION OF TERM

**NOTE:** "Extension of Time in Patent Cases (Supplement Amendments) - If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

**NOTE:** See 37 CFR 1.645 for extensions of time in interference proceedings, and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (a) or (b), as applicable)

(a) ☒ Applicant petitions for an extension of time under 38 CFR 1.136  
(fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$205.00
<input type="checkbox"/> three months	\$ 930.00	\$465.00
<input type="checkbox"/> four months	\$1,450.00	\$725.00

**Fee \$ 110.00**

If an additional **extension** of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

**OR**

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY			OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDIT. FEE	OR	RATE	ADDIT. FEE
TOTAL	30•	MINUS	41••	=0	x9=	\$0		x18=	\$0.
INDEP.	6•	MINUS	6•••	=0	x42=	\$0		x84=	\$0.
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+130=	\$		+280=	\$
					TOTAL ADDIT. FEE	\$0	OR	TOTAL ADDIT. FEE	\$0.

- If the entry in Col. 1 is less than entry in Col. 2, write "1" in Col. 3.
- If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20."
- If the "Highest No. Previously Paid for" IN THIS SPACE is less than 3, enter "3."  
The "Highest No. Previously Paid for" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING** "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR § 1.116(a) (emphasis added).

Complete (c) or (d), as applicable)

(c) ☒ No additional fee for claims is required.

**OR**

(d) ☐ Total additional fee for claims required \$\_\_\_\_\_

## FEE PAYMENT

5. ☒ Attached is a check in the sum of \$ 110.00

☐ Charge Account No. \_\_\_\_\_ the sum of \$\_\_\_\_\_

A duplicate of this transmittal is attached.

## FEE DEFICIENCY

**NOTE:** *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No.

7. 11-1110

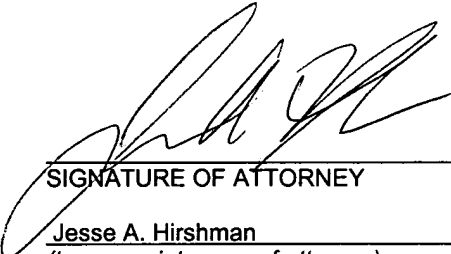
## AND/OR

☒ If any additional fee for claims is required, charge Account No.

11-1110

Reg. No.: 40,016

Tel. No.: (412) 355-8966

  
\_\_\_\_\_  
SIGNATURE OF ATTORNEY

Jesse A. Hirshman

(type or print name of attorney)

\_\_\_\_\_  
Kirkpatrick & Lockhart LLP

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535 Smithfield Street

Pittsburgh, PA 15222-2312



06-04-03

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Broy et al.  
Application No.: 09/955,791  
Filed: September 19, 2001

Group No. 1753  
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For: ELECTROCHEMICAL CELL BUBBLE DETECTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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JUN 09 2003  
TC 1700

EXPRESS MAIL CERTIFICATE

"Express Mail" label number: EU990163790US

Date of Deposit: June 3, 2003

I hereby certify that the following attached paper or fee

AMENDMENT TRANSMITTAL  
AMENDMENT  
CHECK PAYABLE TO PTO (For 1 month ext. fee)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Beth H. Retort  
(Typed or printed name of person mailing paper or fee)  
  
(Signature of person mailing paper or fee)

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NOTE: The label number need not be placed in each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail." Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

(Express Mail Certificate [8-3])



PATENT  
010331

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 1753

In re application of: Broy *et al.*

Serial No.: 09/955,791

Filing Date: September 19, 2001

Examiner: Ta Hsung Tung

ELECTROCHEMICAL CELL  
BUBBLE DETECTION

#  
6/A  
6/w.m.  
7/8/03  
RECEIVED  
JUN 09 2003  
TC 1700

AMENDMENT

Pittsburgh, Pennsylvania 15222  
June 3, 2003

Commissioner for Patents  
P.O. Box: 1450  
Alexandria, VA 22313-1450

Sir:

In Response to the Office action dated February 5, 2003 in the above-referenced application (the "Action"), Applicants provide the following amendments and Remarks.

**In the Claims:**

Cancel claims 1-41 and add new claims 42-71, as follows.

42. An electrochemical cell assembly, comprising:

a. an electrochemical cell comprising a container comprising a wall defining an interior volume, an anode and a cathode, the cell having a light path that passes through the wall and a portion of the interior volume of the container in which gas collects before or during failure of the electrochemical cell from loss of electrolyte from the interior volume; and

b. a gas pocket detection assembly comprising: